IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2087 OF 2007

Kalgonda Appasaheb Alase..... ....Petitioner
V/s
Kurundwad Dhanwantri nagri Begar Sheti
Sahakari Pat Sanstha Kurundwad & Anr. ....Respondent.

Mr.Vijay Killedar, Adv. For the petitioner.

Mr.Y.M.Nakhwa, APP For the respondent.

CORAM: A.P.DESHPANDE, J.
27/11/07

PC:

By this criminal writ petition the petitioner is taking exception to an order passed by J.M.F.C., Kurundwad dated 3.10.07 whereby an application moved by the petitioner-accused for referring the signatures on the cheque and the withdrawal slip to a handwriting expert is rejected. The trial Court has observed that the petitioner-accused has admitted the loan transaction and the signatures on the cheque issued in favour of the credit society. It is also observed that at no point of time did the accused set up a case about misappropriation of the amount from his saving bank account. For the first time by moving an application the accused is trying to set up case of misappropriation from his saving bank account. The transaction of loan and its repayment and alleged misappropriation amount from saving bank account are not at all inter-related. The so called misappropriation from saving bank account has no bearing on the question of dishonour of cheque and

consequently the decision of the issue touching section 138 of the Negotiable Instruments Act. The trial Court has categorically held that the endeavour on the part of accused-petitioner is to prolong the trial. Perused the impugned order. Same does not call for interference in exercise of writ jurisdiction. At this stage learned counsel for the petitioner submits that the trial Court can compare the writing on the cheque and the withdrawal slip. It shall be open for the petitioner to urge before the trial Court said submission during the course of arguments. Writ petition is thus summarily dismissed.

27.11.07